

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH AMENDING THE CITY CODE OF ORDINANCES CHAPTER 78, ARTICLE III, STOPPING, STANDING AND PARKING, DIVISION I GENERALLY, BY AMENDING SECTION 78-77 TO PROHIBIT OVERNIGHT PARKING WITHOUT A PERMIT; AMENDING SECTION 78-91 REGARDING ADMINISTRATIVE FEES (FINES) FOR PARKING VIOLATIONS; AMENDING SECTION 78-92 ISSUANCE AND DISPOSITION OF CITATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, that:

SECTION 1. It is hereby proposed that Section 78-77, Code of Ordinances, City of Fernandina Beach, Florida, be amended to read as follows:

Sec. 78-77. Time limit in designated places and no overnight parking without permit.

- (a) When signs are erected in each block giving notice thereof, no person shall park a vehicle for longer than such time as may be posted thereon.
- (b) The changing of the position of a vehicle from one point directly to another point within the same block shall be deemed one continuous parking period.
- (c) No person shall park any vehicle, including but not limited to cars, boats, RV's, campers, trucks or vans, overnight or between the hours of 2:00 AM and 4:00 AM where signs prohibit such parking.
- (d) The City may provide a permit for parking overnight or between the hours of 2:00 AM and 4:00 AM where signage indicates permits are available and the current City permit is displayed conspicuously in the windshield of the vehicle.

SECTION 2. It is hereby proposed that Section 78-91, Code of Ordinances, City of Fernandina Beach, Florida, be amended to read as follows:

Sec. 78-91. Schedule of administrative fees (fines) for parking violations.

(a) Established is the following schedule of fines to be assessed in cases of parking violations occurring within the city:

Sec. Reference	Violation	Fine
78-73	Parked to obstruct traffic	\$25.00
78-74	Parked in a hazardous and/or congested places	25.00
78-75	Improper exiting of a parked position	25.00
78-76	Parking for more than a consecutive 60-hour period	25.00
78-77	Overtime parking	25.00
78-78	Parking adjacent to schools where traffic control devices prohibit, stopping, standing or parking	25.00
78-79(a)	Parked in a passenger zone	25.00
78-79(b)(1)	Improperly parked in a loading zone	25.00
78-79(b)(2)	Improperly backed into a loading zone without a special permit	25.00
78-80(a)	A bus, taxicab, horse-drawn vehicle or carrier parked other than where signs permit in a designated business district	25.00
78-80(b)	A vehicle parked in a stand designated for either a bus, taxi-cab, horse-drawn vehicle or carriage.	25.00
78-81	Parking after storm warnings issued	25.00
78-82(a)(1)	Parked for the principal purpose of displaying a vehicle for sale	25.00
78-82(a)(2)	Parked for the principal purpose of washing, greasing or repairing a vehicle	25.00
78-82(b)	Parked for the purpose of advertising or sales	25.00
78-83(a)	Parked with left wheel to curb and/or parked in excess of 12 inches from the curb	25.00

78-83(b)	Parked in opposite direction of traffic on a one-way road and/or parked in excess of 12 inches of the curb on a one-way road	25.00
78-84(a)(1)a	Stop, stand or park in a double parked position	25.00
78-84(a)(1)b	Stop, stand or park on a sidewalk	25.00
78-84(a)(1)c	Stop, stand or park within an intersection	25.00
78-84(a)(1)d	Stop, stand or park on a crosswalk	25.00
78-84(a)(1)e	Stop, stand or park between a safety zone and the adjacent curb	25.00
78-84(a)(1)f	Stop, stand or park alongside or opposite a street excavation	25.00
78-84(a)(1)g	Stop, stand or park on a bridge, elevated structure or within a tunnel	25.00
78-84(a)(1)h	Stop, stand or park on railroad tracks	25.00
78-84(a)(1)i	Stop, stand or park at any place where official traffic control devices prohibit stopping	25.00
78-84(a)(2)a	Stand or park in front of a public or private driveway	25.00
78-84(a)(2)b	Stand or park within 15 feet of a fire hydrant or fire department connection on public or private property	50.00
78-84(a)(2)	Stand or park within 20 feet of a crosswalk at an intersection	25.00
78-84(a)(2)d	Stand or park within 30 feet of approach to a flashing signal, stop sign or traffic control signal	25.00
78-84(a)(2)e	Stand or park within 20 feet of driving approach to a fire station	50.00
78-84(a)(2)f	Stand or park on an exclusive bicycle lane	25.00
78-84(a)(2)g	Stand or park at any place where official traffic control devices prohibit standing	25.00
78-84(a)(3)a	Park within 50 feet of nearest rail of a railroad crossing	25.00
78-84(a)(3)b	Park alongside or adjacent to any curb painted yellow	25.00
78-84(a)(3)c	Park across parking stall lines painted on a roadway	25.00
78-84(a)(3)d	Park at any place where official signs prohibit parking	25.00
78-85	Handicapped parking violation	100.00
78-86(c)	Stand or park in a fire lane on public or private property	50.00
78-87	Illegal diagonal parking	25.00
78-88	Illegally backed up to a curb	25.00
78-89	Driving over a raised street curb	25.00
78-90	Unsafe starting of a parked vehicle	25.00

(b) Any person who receives a parking violation shall pay the fine or request an appeal to the special magistrate as provided in Section 2-399 of the City Code within ten (10) days. The appeal fee for parking violations shall be in the same amount of the administrative fee (fine).

SECTION 3. It is hereby proposed that Section 78-92, Code of Ordinances, City of Fernandina Beach, Florida, be amended to read as follows:

Sec. 78-92. Issuance and disposition of citation.

(a) When any law enforcement officer, code enforcement officer, parking enforcement specialist/public service officer finds a vehicle parked in violation of any of the parking regulations specified in this chapter:

- (1) The officer shall issue a notice of violation (citation) to the vehicle and shall place the notice in a conspicuous place on the vehicle. The citation shall contain language informing the registered owner of the vehicle which section of this chapter has been violated; of the procedures available to the registered owner under this section; and of the administrative fee which the registered owner shall pay.

- (2) If the administrative fee (fine) provided for in this section is not paid within ten (10) days the police department or its designee shall mail a copy of the notice of violation together with the information specified in section (a)(1) to the registered owner of the vehicle informing the owner that an additional delinquency fee of \$20.00 has been assessed for the violation. The registered owner is directed to pay the administrative fee (fine) and the delinquency fee within ten (10) days of the date of the written notice to owner.
- a. Any person who fails to respond to the original violation notice within the time period specified, shall be deemed to have waived the right to contest the merits of such parking violation, except as provided below.
 - b. The city manager or his designee may waive the specified administrative fee (fine), after receipt of an affidavit of explanation, under the following circumstances:
 1. Valid and verifiable emergencies.
 2. Government employees on official business, verified by a supervisor.
 3. City volunteers actually detained because of their volunteer duties, as verified by volunteer coordinator.
 - c. The chief of police may waive the administrative fee (fine) if a parking citation is issued in error or improperly issued without requiring an affidavit of explanation from the violator.
- (3) If the specified administrative fee (fine) and the delinquency fee is not paid within ten (10) calendar days after the date said notice is mailed, the police department or its designee shall mail a second notice of violation to the registered owner with an additional delinquency fee of \$20.00 assessed in addition to the delinquency fees described in subsection (a)(2). If the above total administrative and delinquent fees are not paid within ten (10) calendar days the entire administrative fee and delinquent fees owed, including any and all collection costs, will be referred for collection to a collection agency designated by the city manager.
- (4) The administrative fees (fines) provided for violations of any of the parking regulations specified in this section shall be in accordance with the schedule set out in section 78-91.

(b) The clerk of the court or the city's designee shall supply the department of highway safety and motor vehicles (department) with a magnetically encoded computer tape reel or cartridge which is machine readable by the installed computer system at the department, listing persons who have three or more outstanding parking violations, including violations of Sec. 316.1955, Florida Statutes. The department shall mark the appropriate registration records of persons so reported

SECTION 4. SEVERABILITY. If any section, subsection, sentence, clause, phrase of this Ordinance, or the particular application thereof, shall be held invalid by any court, administrative agency or other body with appropriate jurisdiction, the remaining sections, subsections, sentences, clauses and phrases under application shall not be affected thereby.

SECTION 5. This Ordinance shall become effective immediately upon its final passage and adoption.

ADOPTED this 15th day of March, 2011.

CITY OF FERNANDINA BEACH

 Susan Hardee Steger
 Commissioner – Mayor

ATTEST:

APPROVED AS TO FORM:

 Mary L. Mercer
 City Clerk

 Tammi E. Bach
 City Attorney

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